

REMARKS

Claims 14-21 are pending.

Claims 1-13 have been previously canceled.

Claims 14-17 have been withdrawn from consideration.

Claims 18-21 stand rejected.

Claim 18 has been amended. Support for this amendment can be found throughout the specification and drawings, as originally filed.

The drawings, specifically Figs. 8 and 11, stand objected to.

Figures 8 and 11 have been amended. Support for these amendments can be found throughout the specification and drawings, as originally filed.

CHANGE OF ATTORNEY'S ADDRESS

Please note that the attorney's address in the instant application has changed to the following:

Warn, Hoffmann, Miller & LaLone, P.C.
P.O. Box 70098
Rochester Hills, Michigan 48307

INFORMATION DISCLOSURE STATEMENT

The Applicants submit herewith copies of previously cited foreign references GB 9171 and CA 627965 (previously referred to erroneously as "622965") for the Examiner's review.

DRAWING OBJECTIONS

The drawings stand objected to because in Figure 8, numeral "412" is not frustoconical, and in Fig. 11, numeral "618" references the port body and not the groove.

The Applicants respectfully traverse the objection to the drawings.

In the interests of expediting the prosecution of the instant application, and without admission that any amendment is necessary, the Applicants have amended the drawings, including Figs. 8 and 11, in accordance with the Examiner's suggestions. Specifically, the drawings, including Figs. 8 and 11, have been amended to correct reference numerals corresponding to elements disclosed in the specification. More specifically, the leader line corresponding to reference numeral 412 of Fig. 8 has been redrawn to terminate on the frustoconical portion of the plug 402; and the leader line corresponding to reference numeral 618 of Fig. 11 has been redrawn to terminate on the groove surface of the port 606.

A Request for Approval of Drawing Changes is being submitted concurrently herewith. The Applicants aver that no new matter has been added by virtue of these amendments.

35 USC §102(b) REJECTION

Claims 18-21 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 1,862,920 to Boynton.

The Applicant respectfully traverses the 35 USC §102(b) rejection of claims 18-21.

The law is clear that anticipation requires that a single prior art reference disclose each and every limitation of the claim sought to be rejected. 35 USC §102(b).

The law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers. 35 USC §112 ¶ 4.

In the interests of expediting prosecution of the instant application, and without any admission that an amendment is necessary, the Applicant have amended claim 18 to recite, among other things, a fitting for a fluid conduit, the fitting comprising: (1) a unitary fitting member having a cap portion, an externally threaded portion and a seal portion, wherein the cap portion is spaced and opposed from the externally threaded portion, the seal portion including a frustro-conical surface and a seal groove, the seal groove formed into the frustro-conical surface and perpendicular thereto, the seal groove being defined by a constant radius; (2) an annular seal member disposed at least partially in the seal groove; and (3) a port for receiving the fitting member.

Boynton discloses no such structure as recited in claim 18. Specifically, Boynton does not teach a unitary fitting member, but rather a combination of two separate and discrete components, namely a fitting member (2) and a cap member (4) (see Figs. 1-3). Further, Boynton does not teach an externally threaded portion, but rather an internally threaded portion (see Figs. 1-3). Furthermore, Boynton does teach that the threaded member is spaced and opposed from the cap portion, but rather the threaded portion and the cap portion are substantially coaxial (see Figs. 1-3). Accordingly, Boynton does not anticipate claim 18. Furthermore, claims 19-21, which depend from and further define claim 18, are likewise not anticipated by Boynton.

Accordingly, the Applicant submits that the 35 USC §102(b) rejection of claims 18-21 has been overcome.

Furthermore, Boynton does not render claims 18-21 obvious.

The standard for obviousness is that there must be some suggestion, either in the reference or in the relevant art, of how to modify what is disclosed to arrive at the claimed invention. In addition, "[s]omething in the prior art as a whole must suggest the desirability and, thus, the obviousness, of making" the modification to the art suggested by the Examiner. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d (BNA) 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988). Although the Examiner may suggest the teachings of a primary reference could be modified to arrive at the claimed subject matter, the modification is not obvious unless the prior art also suggests the desirability of such modification. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d (BNA) 1397, 1398 (Fed. Cir.1989). There must be a teaching in the prior art for the proposed combination or modification to be proper. *In re Newell*, 891 F.2d 899, 13 U.S.P.Q.2d (BNA) 1248 (Fed. Cir. 1989). If the prior art fails to provide this necessary teaching, suggestion, or incentive supporting the Examiner's suggested modification, the rejection based upon this suggested modification is error and must be reversed. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990).

As previously noted, Boynton fails to suggest any such structure as recited in claim 18. Specifically, Boynton does not suggest a unitary fitting member, but rather a combination of two separate and discrete components, namely a fitting member (2) and a cap member (4) (see Figs. 1-3). Further, Boynton does not suggest an externally threaded portion, but rather an internally threaded portion (see Figs. 1-3). Furthermore, Boynton does suggest that the threaded member is spaced and opposed from the cap portion, but rather the threaded portion and the cap portion are substantially coaxial (see Figs. 1-3). Accordingly, Boynton render claim 18 obvious. Furthermore, claims 19-21, which depend from and further define claim 18, are likewise not rendered obvious by Boynton.

CONCLUSION

In view of the foregoing, the Applicant respectfully requests reconsideration and reexamination of the Application. The Applicant respectfully submits that each item raised by Examiner in the Office Action of March 18, 2004 has been successfully traversed, overcome or rendered moot by this response. The Applicant respectfully submits that each of the claims in this Application is in condition for allowance and such allowance is earnestly solicited.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Any needed extension of time is hereby requested with the filing of this document.

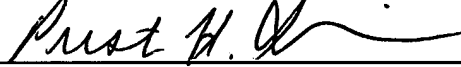
The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 501612. A duplicate copy of this letter is enclosed herewith for this purpose.

Respectfully submitted,

WARN, HOFFMANN, MILLER & LALONE, P.C.

Attorney(s) for Applicant(s)

Dated: 8/17/04

By: 
Preston H. Smirman
Reg. No. 35,365

P.O. Box 70098
Rochester Hills, MI 48307
Telephone: (248) 364-4300
Fax: (248) 364-4285

PHS:cah